

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**BELOIT BEVERAGE COMPANY,**

**Plaintiff,**

**v.**

**Case No. 06-C-711**

**InBev USA, LLC**

**Defendant.**

---

**ORDER DENYING MOTION FOR SUMMARY JUDGMENT**

---

On June 23, 2006, on the basis of diversity of citizenship, defendant InBev USA, LLC (“InBev”) removed to federal court the action that Beloit Beverage Company’s (“Beloit”) filed in Waukesha County Court. On June 26, 2006, InBev answered Beloit’s complaint. This case was then transferred to this court upon the parties’ consent to the full jurisdiction of a magistrate judge. On July 25, 2006, the court notified the parties that the court shall conduct a Rule 16 conference by telephone on **September 7, 2006** and required the parties to file a Rule 26(f) report no later than **August 28, 2006**.

On August 22, 2006, Beloit filed a motion for summary judgment. This motion is premature. The court will not entertain motions for summary judgment until, at a minimum, a Rule 16 conference has been conducted, where one of the matters to be discussed are dates for filing motions. Beloit’s motion also fails to comply with the requirements of Civil L.R. 56.2. Therefore, Beloit’s motion for summary judgment is denied without prejudice.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin, this 23rd day of August, 2006.

BY THE COURT:

s/Aaron E. Goodstein

AARON E. GOODSTEIN

United States Magistrate Judge